
(1997) 03 SC CK 0153

In the Supreme Court Of India

Case No : Civil Appeal No. 2113 of 1997 Arising out of SLP (C) No. 857 of 1992

Parshanti

APPELLANT

Vs

Dy. Director of Consolidation and Others

RESPONDENT

Date of Decision : 19-03-1997

Acts Referred:

Hindu Succession Act, 1956 — Section 6

Uttar Pradesh Zamindari Abolition and Land Reforms Act, 1950 — Section 171

Citation : AIR 1999 SC 1567 : (1998) AIRSCW 4016 : (1998) 9 JT 504 : (1997) 11 SCC 157

Hon'ble Judges : A. M. Ahmadii, C.J;S. P. Kurdukar, J;K. S. Paripoornan, J

Bench : Full Bench

Final Decision : dismissed

Judgement

1. Special leave granted.

2. The only question which arises for consideration is whether a Hindu widow who after the death of her husband re-marries another person can lay a claim to the property of her son through the first marriage, if that property happens to be agricultural land. The learned Counsel for the appellant placed reliance on a decision of a three-Judge Bench in Smt. Kasturi Devi Vs. Deputy Director of Consolidation and Others, . This Court applying the general law under the Hindu Succession Act, 1956 and on principles governing Hindu Law answered the question in the affirmative stating that in such a situation she is not claiming as the widow of her first husband but is laying a claim as the mother of the pre-deceased son. Their Lordships did not apply the provisions of the U.P. Zamindari Abolition and Land Reforms Act, 1950 in the facts of that case or their Lord-ship's attention was not drawn to the Special law, Section 171(b) whereof, in terms, excludes a widowed mother, who has re-married. The plain language of this provision in the Special law, therefore, clearly excludes the widowed mother, who has remarried, from claiming a share by! inheritance from the property of her son born through the first husband. That being so, in the facts of this case, the

decision in Smt. Kasturi Devi Vs. Deputy Director of Consolidation and Others, does not apply. In that case, this Court was not applying the provisions of Section 171(b) of the U.P. law. We are, therefore, of the opinion that the authorities below were right in holding that in view of this Special provision her claim was not justified.

3. We, therefore, dismiss this appeal but make no order as to costs.